

Amesbury Municipal Council Special Meeting
Wednesday, May 23 2007
7:00PM
Town Hall Auditorium

Councilor Thone called the Wednesday, May 23rd, Special Meeting of the Municipal Council to order at 7:00 p.m.

Pledge of Allegiance – Councilor Lindstrom

Roll Call – Councilor King, Councilor Lavoie, Councilor Lindstrom, Councilor McClure, Councilor Pinierio, Councilor Benson, Councilor Thone, Councilor Iacobucci arrived at 7:20, Councilor Lawrence absent.

Councilor Thone read **2007-055** Adopt as an Overlay District, MGL c.40R and 760 CMR 59.00 and MGL c40S, Smart Growth Zoning District into the record. She stated the document in its entirety is available for viewing in the Town Clerk's Office. She opened the public hearing.

Nipun Jain, Town Planner gave a presentation and explained the 40R statute which was established by the State and allows for mixed use high density zoning.

Councilor Thone asked if Mr. Jain stated the Town received the conditional determination of eligibility and if that was something recent.

Mr. Jain stated that came just after the Planning Board hearing and there should be a copy of that in the Council's packet.

Councilor Benson thanked Mr. Jain, the OCD and Mr. Cracknell for doing this. He stated it's great for the Town. It is a win win situation.

Councilor Thone closed the public hearing and asked for recommendations from subcommittees.

Councilor McClure stated the Finance Committee recommended adoption of 2007-055 with the additional provision that all monies received from the Commonwealth of Massachusetts that may need to be refunded as a result of the community not reaching its targets outlined pursuant to MGL C 40R and 760 CMR 59 must be posted to a reserve for appropriation account. The monies would become available to transfer to a stabilization account and the purpose of that account to be determined by the Municipal Council. When the Chief Financial Officer has determined that no risk of returning the funds to the Commonwealth of Massachusetts exist and the matter is brought before the Municipal Council for an approval to transfer the funds from the reserve account to the stabilization account. All other funds in excess of the potential fund monies will be immediately posted to the stabilization account. It was seconded and then voted unanimously.

Councilor Lavoie stated the Ordinance Committee met on May 16, 2007. He submitted a written recommendation which was passed out to all Council members, Mr. Jain, Mr. Cracknell and Mr. Fahey. It was voted unanimously to recommend the bill be adopted as submitted with the following minor corrections.

1. That the enacting language be amended to read as follows; Be it ordained by the Municipal Council of the Town of Amesbury assembled and by the authority of the same as follows; that the Municipal Council hereby votes to amend the existing zoning bylaws of the Town of Amesbury by adopting the attached new section 9 Q, entitled Amesbury Gateway Village 40R Smart Growth Overlay District (AGVSGOD) relating to an overlay district under MGL C 40R and 760 CMR 59 and MGL C 40S and to amend the zoning map by adding the overlay district and the sub-districts as shown on exhibits 1 & 2 of the proposed new section 9Q attached hereto.

2. That the three Planning Board changes be made;
 - a. Page 3, Section 2, Definitions that the reference in PAA Regulations be changed from 9.3 to 8.3
 - b. In Plan Approval Authority, the section reference be corrected from 9.2 to 8.2
 - c. On page 9, in 7.1.1 Table of Dimensional Requirements in sub-district 4 that the minimum lot frontage amount be changed from 50 feet to 200 feet.
3. That wherever on the attached exhibits that the title blocks appear as originally placed that said title blocks be eliminated.
4. That on the last page of exhibit 4 the reference in entry 5 reading Apartment House Lot be changed to Two – Three Family Lot
5. In exhibit 5 the following note be added as required by the May 4, 2007, DHCD Approval Letter from the State. The note to read as follows: Note: The conceptual smart growth site plan is provided here merely as a guidance for applicants making applications under Section 9Q of the Amesbury Zoning Bylaw. Its purpose is to demonstrate how the various sub-districts could be developed as per the provisions of Section 9Q. The actual site plan to be approved by the PAA would depend on the uses and site design presented by the applicants and that meets the review criteria and requirements under Section 9Q.

These are the changes recommended by the Ordinance Committee and it was voted unanimous.

Councilor Thone asked if there were members of the Planning Board at that meeting.

Councilor Lavoie stated in addition to the four members of the Ordinance Committee, attendees included Jonathan Sherwood, Master Plan Implementation Committee, Russ Davenport, Roger Benson, Nipun Jain and Nick Cracknell. The Planning Board members were not there but Mr. Jain indicated that the Planning Board had adopted at their meeting and had pointed out the three changes that appear on the letter that is before the Council on the recommendation.

Councilor Thone read the Planning Board recommendation regarding 2007-055 that the Board unanimously voted to recommend adoption of the proposed amendment of the Amesbury Zoning Bylaw and to add Section XI.Q with the following changes to the proposed amendment; Page 3, Section 2, Definitions PAA Regulations. The rules and regulations of the PAA adopted pursuant to Section strike 9.3 and change to 8.3; Plan Approval Authority, (PAA) the local approval authority authorized under Section strike 9.2 to and change to 8.2 ; Page 9, Section 1.1.1 under Table of Dimensional Regulations change minimum lot frontage for sub-district 4 from 50 feet to 200 feet.

Councilor Iacobucci stated the recommendations of the Planning Board were incorporated in the recommendations of the Ordinance Committee. He moved the recommendation of the Ordinance Committee. He stated a discussion needs to occur regarding the funds that will come from this either as part of this through an amendment or as a separate measure.

Councilor Lindstrom clarified that the motion that section 9 Q is really Section XI.Q.

Councilor Benson stated also the bottom section 7.1.1 on page 9, not 1.1.1 as Councilor Thone stated.

Councilor Lavoie stated the Planning Board and the Town Departments have spent a lot of time on this. This puts Amesbury in one of the vanguard positions under 40R. He stated he is in favor of this bill.

Councilor Thone stated she is in favor of this plan and she thinks it is wonderful but she does share Councilor Iacobucci's concern about the funds and they can deal with that issue at a later time.

Roll Call Vote – King – Yes, Lavoie – Yes, Lindstrom - Yes, McClure – Yes, Pinierio - Yes, Benson – Yes, Iacobucci – Yes, Thone – Yes. (8 – Members present)

Councilor Benson moved to adjourn.

Respectfully submitted,

Bonnijo Kitchin
Town Clerk